

18.120.160 Qualifying Medical-marijuana facilities uses.

Medical **Qualifying** marijuana **facilities** shall be located, developed, and operated in compliance with the following standards:

A. *Compliance with Law.* All ~~medical~~ **qualifying** marijuana **facilities** shall conform with the Arizona ~~Medical~~ Qualifying Marijuana Act, A.R.S. §§ [36-2801](#) through [36-2819](#), and any applicable Maricopa City Code.

B. *Allowable Zones.* GC (dispensaries only, no cultivation), LI and GI (infusion and cultivation facilities).

C. *Location.* All ~~medical-marijuana uses cannot be located:~~

1. Qualifying marijuana facilities shall be a minimum distance from the uses set forth in the following table, including marijuana qualifying facilities located in neighboring jurisdictions. Measurements shall be made in a straight line in any direction from the exterior wall of the qualifying marijuana facility to the exterior wall of the protected use. If a manmade or natural barrier separates the uses but is within the separation requirement, then an exception can be made at the discretion of the Zoning Administrator.

Table 18.120.160 Marijuana Qualifying Facilities

<u>Use or Use Classification</u>	<u>Separation Requirement (feet)</u>
Another Marijuana Qualifying Facility	1,500 feet
Public/Private/Charter Schools	1,500 feet
Public or Private Park	500 feet
Religious Facilities	500 feet
Civic Facilities	500 feet

Day Care Center	500 feet
Group and Residential Care Home	500 feet
Residential District Boundary	250 feet

~~Within 250 feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.~~

~~2. Within 500 feet of other qualifying dispensaries, abuse treatment facilities, group and residential care homes, transitional and supportive housing facilities, alcohol rehabilitation facilities, correctional transitional facilities, public or private elementary or secondary schools, kindergarten or preschools, day care centers or similar uses, parks and recreational facilities, civic facilities, and religious facilities. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.~~

D. *Alcohol*. No alcohol can be sold or distributed on the premises for on- or off-site consumption.

E. *Hours of Operation*. Hours of operation shall be limited to the time period between 8:00 a.m. and 10:00 p.m.

F. *No Drive-Through Facilities*. No drive-through facilities are permitted.

G. Odor control. Qualifying marijuana facilities shall not emit dust, fumes, vapors, or odors into the environment and business shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the city.

H. Consumption. No marijuana consumption may occur on the same premises as a dispensary.

I. Security Plan Required. The applicant shall furnish to the licensing office, for review and approval by the police department, a security plan containing the following information:

- 1. Plan of operation, program plan and hours;**
- 2. Site/building information;**
- 3. Safety conditions;**
- 4. Patron parking, ingress and egress, vehicular and pedestrian traffic control;**
- 5. Staffing and operations;**
- 6. Conditions of plan;**
- 7. On-site contact person/manager;**
- 8. Any and all responsible parties for business operations;**
- 9. Employee background checks excluding violent felons;**
- 10. Floor plan and evacuation routes; and,**
- 11. Any other reasonable information the police department deems necessary for review and approval of the security plan.**

G. Dispensary.

1. *Size.* The maximum size for a ~~medical~~ **qualifying** marijuana **facility** dispensary is **5,000** ~~2,500~~ square feet. Storage cannot be larger than 500 square feet.
2. *Cultivation.* No ~~medical~~ marijuana cultivation may occur on the same premises as a dispensary.
3. *Signage.* Signage shall be limited to one wall sign not to exceed 10 square feet in area, and one identifying sign not to exceed two square feet in area. Signs shall not be directly illuminated. Any sign shall include the following language: "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The required text shall be a minimum of two inches in height.
4. *Disposal of Products.* The dispensary shall provide for proper disposal of marijuana remnants of by-products, and which are not to be placed within the facility's exterior refuse containers.

H. *Cultivation.*

1. *Size.* The maximum size for a ~~medical~~ **qualifying** marijuana cultivation facility is **5,000** ~~3,000~~ square feet. Storage cannot be larger than 1,000 square feet.
2. *Amount.* Authorized patients may grow up to 12 marijuana plants.
3. *Enclosed Locked Facility.* All marijuana plants must be cultivated in a permanent, enclosed, locked facility, which is a closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder. It may not be located in a trailer, cargo container, or motor vehicle.
4. *Sales.* Customer sales are prohibited.

I. *Disposal of Products.* The dispensary shall provide for proper disposal of marijuana remnants of by-products, and which are not to be placed within the facility's exterior refuse containers.

J. *Abandonment.* If a ~~medical~~ **qualifying** marijuana **facility** closes for a duration longer than 12 months or if its license is revoked, the use will be considered abandoned and any authorization for the use on the lot shall be null and void. [Res. 21-09; Ord. 21-05 § 2; Res. 14-36 § 410.16; Ord. 14-12 § 1.]

18.205.020 List of definitions.

Medical Marijuana Terms.

“Allowable amount of marijuana” means a qualifying patient may have two and one-half ounces of usable marijuana, and if the patient is authorized to cultivate marijuana, the patient may grow up to 12 marijuana plants contained in an enclosed locked facility.

“Cardholder” means a qualifying patient, a designated caregiver or a nonprofit medical marijuana dispensary agent who has been issued and possesses a valid registry identification card as defined in A.R.S. § [36-2801.2](#).

“Dual License means an entity that holds both a non-profit medical marijuana dispensary registration and a marijuana establishment license.”

“Enclosed locked facility” means a closet, room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

“Medical marijuana” means all of the parts of the genus Cannabis, whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.

“Medical marijuana infusion (or manufacturing) facility” means a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporating into consumable/edible goods.

“Medical marijuana qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § [36-2801.13](#).

Qualifying Marijuana Dispensary means:

1. A non-profit Marijuana Dispensary defined in A.R.S. §36-2801(12) that sells, distributes, transmits, gives, dispenses, or otherwise provides Marijuana for medical use and related supplies to Qualifying Patients. Included is the manufacture and creation of products for individual sale where Marijuana is incorporated into the product for consumption by an individual who is a valid Medical Marijuana Cardholder and the sale of not more than twelve living Marijuana plants to an individual Medical Marijuana Cardholder authorized pursuant to A.R.S. §36-2801: or
 2. A dispensary operated pursuant to A.R.S. §36-2858 by a Dual Licensee as defined by A.R.S. §36-2850 and Section 18-120.160 of the City Code which sells, distributes, transmits, gives, dispenses, or otherwise provides Marijuana and Marijuana Products and related supplies for (1) medical use to Qualifying Patients; and (2) for general non-medicinal use to individuals who are at least twenty-one years of age as permitted by A.R.S. §36-2852.
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